IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 12804 of 2001

Between:

M.Masthan Rao, S/o M.Hazarathaiah
Adilabad Dist.

..... PETITIONER

AND

1 The Secretary, Government of A.P.,
Social Welfare & Tribal Welfare,
Secretariat, Hyderabad.
2 The Commissioner, Tribal Welfare, Telugu Samkshema Bhavan,
Masab Tank, Hyderabad.
3 The Project Officer, I.T.D.A., Utnoor,
Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents in not regularising the services of the petitioner in the post of Technical Officer or any other suitable post in the Tribal & Social Welfare (D) Department, by taking his seniority into consideration without paying the minimum time scale salary on par with the regualarsied employees working in the same cadre is illegal, arbitrary and violative of Art.14 and 16 of Constitution of India and for a consequential order further directing the respondents to regularise the services of the petitioner in the post of Technical Officer or any other suitable post in the Tribal & Social Welfare (D) Department, by taking his seniority into consideration by paying the minimum time scale salary on par with regualrisied employees

Counsel for the Petitioner: MR.CH.DHANAMJAYA

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following ORDER:

ORDER:

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Heard both sides and at their request the main writ petition itself is taken up for disposal.

The petitioner, who was appointed as Agricultural Consultant in the I.T.D.A., Rampachodavaram, East Godavari District, filed this writ petition for issuance of a Writ of *Mandamus* declaring the action of the respondents in not regularising his services in the post of Technical Officer or any other suitable post in the Tribal & Social Welfare (D) Department, by taking his seniority into consideration, as illegal and arbitrary.

The relief now sought for in this writ petition clearly falls within the purview of the A.P. Administrative Tribunal and therefore any writ under Article 226 of the Constitution of India is clearly barred as per the principles laid by the Apex Court in ***L. Chandra Kumar v. Union of India and others***.

Following the same, the writ petition is dismissed as not maintainable. However, the petitioner is at liberty to avail the remedies under the law. No costs.

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B.Prakash Rao, J

Date: 04.02.2005

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To

1 The Secretary, Government of A.P.,
Social Welfare & Tribal Welfare,
Secretariat, Hyderabad.
2 The Commissioner, Tribal Welfare, Telugu Samkshema Bhavan,
Masab Tank, Hyderabad.
3 The Project Officer, I.T.D.A., Utnoor,
Adilabad District.

4 Two CCs to G.P. for Social Welfare, High Court of A.P. Buildings, Hyderabad (OUT)

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